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005/006

JUN 04 2007

Application No. 10/693,163

June 4, 2007

Preliminary Amendment Accompanying Request for Continued Examination under 37 CFR 1.114

**Remarks**

Pending Claim 37 stands rejected by the Examiner under 35 U.S.C. §112, under 35 U.S.C. §102(e) as anticipated by *Kinjo* (US Pub. No. 2003/0193582 A1), and under 35 U.S.C. §103(a) as unpatentable over *Kinjo* in view of *Parulski* (US Patent No. 6,629,104 B1).

In response to the Office action, Applicants have amended claim 37. Keyword statistics were recited in the claim and Examiner interpreted the element broadly to encompass statistics or associations between:

- 1) Keywords and image regions;
- 2) Different kinds of keywords (type and sensitivity); and
- 3) Classes and subclasses of categorized keywords.

Applicants have amended the claim to indicate that "the keyword statistics indicate a probability that one of the keywords is associated with one of the stored images whenever another one of the keywords is associated with the same stored image" and that "the database statistics indicate that the finer scale keywords are keywords that are likely to occur when at least one of the primary keywords occurs".

Both of these phrases stress the fact that the database statistics are conditional probabilities. The conditional probabilities are the likelihoods that when one keyword is associated with an image then certain other keywords will also be associated with the same image. This distinguishes Applicant's invention

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from *Parulski* who does calculate or use the conditional likelihoods that keywords occur together but instead classifies images within classes and subclasses with each class and subclass labeled by a keyword. This also distinguishes Applicant's invention from Kinjo who maintains statistics indicating the likelihood that certain image region types are associated with keywords.

### Conclusion

In view of the foregoing remarks, the Applicants submit that Claim 37 is patentably distinct over the references and is in allowable form. Accordingly, the Applicants earnestly solicit the favorable consideration of their application, and respectfully request that it be passed to issue in its present condition.

Should the Examiner discern any remaining impediment to the prompt allowance of the aforementioned claims that might be resolved or overcome with the aid a telephone conference, he is cordially invited to call the undersigned at the telephone number set out below.

Respectfully submitted,



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